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January 9, 2025

VIA ECF

Hon. Margaret M. Garnett
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: J.M. v. N.Y.C. Dep't of Educ., 23-cv-10002 (MMG)(JW)

Dear Judge Garnett:

Please be advised that this firm represents the Plaintiffs in the above action. Plaintiffs brought this action seeking attorneys' fees, costs and expenses pursuant to the fee shifting provision of the Individual with Disabilities Education Act, 20 U.S.C. §1400, et. seq. wherein Plaintiffs were successful in the underlying trials for the 2018-19, 2019-20, 2020-21 and 2021-22 school years, as well as fees and costs in this action.

Plaintiffs respectfully submit this letter response in Opposition to Defendant's Motion to Strike (ECF 43) and in Support of Plaintiff's Motion for an extension of time, *nunc pro tunc*, to file their Response to Defendant's Opposition to the Court's Report and Recommendation, *nunc pro tunc*, from January 6, 2025 to January 8, 2025. Defendant filed their Objection to the Report and Recommendation on December 23, 2024 (ECF 39). When calculating the deadline for submitting Plaintiffs' response to Defendant's Objections, we inadvertently excluded two federal holidays, Christmas and New Years, filing it on January 8, 2025 instead of January 6, 2025. This brief delay does not prejudice the Defendant and granting leave for the Plaintiffs' *nunc pro tunc* filing will allow the Court to fully consider Plaintiffs' Response.

Accordingly, Plaintiffs respectfully request the Court deny Defendant's Motion to Strike (ECF 43) and grant Plaintiffs' request to file their Response to Objection to Report and Recommendation (ECF 41), Declaration of Ellen M. Saideman, Esq. (ECF 42) and Declaration of Irina Roller, Esq. (ECF 43), *nunc pro tunc*.

We thank the Court and apologize for any inconvenience.

Respectfully submitted,

s/_____
Irina Roller
Attorneys for the Plaintiff

cc: All counsel for Defendant via ECF